

In the Specification:

Please replace page 11, line 27 to page 12, line 9 with the following amended paragraph:

The blood glucose meter 1 shown in Figures 1 to 3 comprises an outer casing 3 which houses a cartridge 2 and a delivery mechanism 5 for dispensing test strips 6 from the cartridge 2. The casing 3 also houses a moveable clamp 4 for sealing the inside of the cartridge 2 from atmospheric moisture, as will be described in more detail below. The external features of the meter 1 comprise control buttons ~~50~~ 60 for controlling the operation of the meter, an LCD 8 for displaying user instructions, results and other data, and an external handle 9 for actuating the delivery mechanism. A control PCB 7 is operably connected to the LCD 8 and buttons ~~50~~ 60. The meter 1 of Figures 1-3 is shown with a test strip 6 in a dispensed position ready to receive a drop of blood.

Please replace page 13, line 12 to page 14, line 1 with the following amended paragraph:

One way of manufacturing the cartridge inner assembly 12 is illustrated in the exploded diagram shown in Figure 19. The walls of the cartridge inner assembly 12 are formed from a base member 50 and a closure member 51. Two opposed upstanding walls of the base member 50 are provided with a series of ridges 52 in which fit arms 53 of the follower 18. The ridges 52 and arms 53 comprise ratchet means which are profiled to permit movement of the follower 18 in one direction only, towards the stack of test

strips 6. During assembly, the follower 18 is located near to the spring 19 to permit the stack of strips 6 to fit in the base member 50. The closure member 51 is snap-fitted on the base member 50 to form the cartridge inner assembly 12. A lip 54 on the closure member 51 provides a stop member which limits outward travel of the strips 6. There is a sufficient gap between the lip 54 and the adjacent walls of the base member 50 (which define opposed openings of the housing) to permit a single strip 6 to slide out axially. An alternative design of cartridge inner assembly 12 is shown in Figures 20 and 21. Here, the stop member 54 is provided on the base member 50.

Please replace page 14, lines 3-29 with the following amended paragraph:

Referring now to Figures 6-8, the working parts of the meter 1 are mounted on a chassis comprising a first chassis member 29 and a second chassis member 30. The cartridge 2 is received in a cartridge-receiving ~~portion~~ housing 34 in the meter casing 3. A lid 33, is closed over the dispensing end of the cartridge 2 and provides a shoulder 61 on which the tubular sealing members 17 rest. The clamp 4 is urged towards the lid 33 by a clamping spring 28. The clamp 4 is operatively connected to by a clamp arm 20 to a rotatable arm lift cam 21. In the rest position shown in Figure 6, the clamp 4 and shoulder 61 provide a pair of clamping members. The bottom edges of the clamp 4 exert a clamping force on the tubular sealing members 17 so as to clamp the sealing members 17 between the ~~clamp 4 and inner surfaces of the lid 33~~ pair of clamping members 4, 61, thereby providing a substantially fluid-tight seal to protect the inside of the cartridge 2

from the external atmosphere. The delivery mechanism comprises a pusher drum 36 on which is wound an axially elongate pusher 25, and a drive drum 31 which has a drive handle 32 operatively connected to the external handle 9 of the meter. A latch spring 24 is provided on the drive drum 31 for releasably engaging the drive drum 31 with the pusher drum 36. It will be understood that the drive drum and the pusher drum need not be hollow, and could comprise solid cylinders, wheels, discs or the like. It is preferred that the drums are substantially circular in cross section, but other shapes such as an oval could also be used.

II. RESPONSE TO OFFICE ACTION

Claims 1-28 are pending in the present application.

A. The Objection to the Drawings

The drawings have been amended as requested in the Office Action, and a corresponding amendment to the Specification has also been made to correct the reference numbers. Specifically, the first paragraph on page 12 of the Specification has been amended to change “buttons 50” to “buttons 60” to correspond to amended Figure 3. Further, the Specification has been amended at page 14, line 8 to change “shoulder” to “shoulder 61” to correspond to amended Figure 6.

In further response to the drawing objection, Applicants point out that the current drawings disclose the housing, clamping members and ratchet means. For example, the ratchet means is shown by elements 52 and 53 in Figures 19 and 20, the housing is shown by element 34 in Figures 6 and 8, and the clamping members are shown by elements 4 and 61 of Figures 6 and 8. The specification has been amended in accordance with the claims and drawings at page 13, line 18 (“ridges 52 and arms 53 comprise ratchet means which”), at page 14, lines 6-7 (“cartridge-receiving ~~portion~~ housing 34”), at page 14, line 13 (“clamp 4 and shoulder 61 provide a pair of clamping members”), and at page 14, lines 15-16 (“~~between the clamp 4 and inner surfaces of the lid 33~~ pair of clamping members 4, 61”).

Support for the amendments submitted herewith may be found in the drawings, claims and specification as originally filed. No new subject matter has been added.

In view of these amendments, the objection to the drawings is overcome. Favorable reconsideration is requested.

B. The 35 USC § 102 Rejection over Jacobs

Applicants respectfully disagree with the rejection of claims 1-6, 17, 19-24 and 28 as being anticipated by Jacobs et al. for the following reasons.

Applicants believe that the rejection over Jacobs follows from a misunderstanding of the teachings of Jacobs. The Office Action refers to Figure 6 of Jacobs and states that the first and second apertures (i.e., the spaces where the pusher enters and the test strip is dispensed) are each provided with compliant tubular sealing means and a pair of clamping members for releasably clamping the sealing means to form a substantially moisture-tight seal. However, Figure 6 of Jacobs shows the bottom of the cartridge, i.e. the opposite end to the end where the test strip is dispensed. The bottom of the cartridge as shown in Figure 6 has an aperture 102 in it through which a push rod 104 can enter to push the stack of test strips upwardly. The aperture 102 of Figure 6 is sealed by means of a “duck-bill” seal 110. This seal relies on the natural resilience of the rubber components to press against one another when the push rod is removed. Contrary to the assertion in the Office Action, no clamping force is applied.

The assertion in the Office Action that Jacobs discloses “a pair of clamping members (100, 104, 110) for releasably clamping the sealing means to form a substantially moisture-tight seal” is not correct. The component labeled 100 is merely the

“opposite end 100 of cartridge 12” (Col. 4, line 24). The component labeled 104 is the “push rod 104” (Col. 4, line 25), and the component labeled 110 is the “flexible seal” (Col. 4, line 32).

Not only is no clamping force applied to the flexible seal 110 of Jacobs, this seal is not even at the dispensing end of the cartridge. In contrast to the present invention, neither of the apertures 20, 22 at the dispensing end is provided with “compliant sealing means which are carried by the cartridge and which are at least partly disposed outside the outer casing, the sealing means having first and second sealing surfaces which are capable of co-operating to releasably form a substantially moisture-tight seal when acted upon by suitable clamping forces” as recited by independent claim 1. Instead, the cartridge of Jacob et al is provided with an internal cover plate 42 which covers “the opening 32 of the topmost test element E” (Col. 3, line 43). As is clear from FIG.1 of Jacob, neither of the apertures 20, 22 is sealed to prevent ingress of atmospheric moisture to the inside of the cartridge. Instead, an optional internal grommet 70 is used (FIG. 4), which also is not (and cannot be) releasably clamped.

Accordingly, Applicants submit that Jacobs neither discloses nor suggests the combination of features specified in the present claims and that these claims are therefore novel and nonobvious over Jacobs. Favorable reconsideration is requested.

C. Claims 8-13

Applicants note that claims 9-13 are not addressed in the Office Action, but that these claims depend from objected-to claim 8. Applicants therefore assume that the status of claims 9-13 at the time of the present Office Action is therefore also objected-to for being dependent upon a rejected base claim, but that each would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Because independent claim 1 is allowable as shown herein, each of the objected-to claims 8-13 are also now allowable without further amendment. In this regard, it is respectfully requested that the status of claims 9-13 be addressed in the next communication from the Office.